

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 34 be amended to read as follows:

- 1 Page 3, line 25, delete "Rape (IC 35-42-4-1)." and insert " **An**
- 2 **offense relating to a criminal sexual act (as defined in**
- 3 **IC 35-41-1-19.3)."**
- 4 Page 3, delete lines 26 through 33.
- 5 Page 3, line 35, delete "(H)" and insert "**(B)**".
- 6 Page 3, line 36, delete "(H)" and insert "**(B)**".
- 7 Page 3, line 39, delete "The" and insert "**At the request of an**
- 8 **alleged victim of the offense, the parent, guardian, or custodian of**
- 9 **an alleged victim who is less than eighteen (18) years of age, or the**
- 10 **parent, guardian, or custodian of an alleged victim who is an**
- 11 **endangered adult (as defined in IC 12-10-3-2), the"**.
- 12 Page 3, line 40, delete "may" and insert "**shall**".
- 13 Page 4, line 6, delete "of the potentially disease" and insert "**, the**
- 14 **parent, guardian, or custodian of an alleged victim who is less than**
- 15 **eighteen (18) years of age, and the parent, guardian, or custodian**
- 16 **of an alleged victim who is an endangered adult (as defined in**
- 17 **IC 12-10-3-2), are entitled to receive notice of the hearing and are**
- 18 **entitled"**.
- 19 Page 4, delete line 7.
- 20 Page 4, line 8, after "hearing." insert "**The defendant and the**
- 21 **defendant's counsel are entitled to receive notice of the hearing and**
- 22 **are entitled to attend the hearing."**
- 23 Page 4, line 12, after "diseases." insert "**If the defendant is charged**
- 24 **with committing battery by body waste (IC 35-42-2-6), the court**

1 may limit testing under this subsection to a test only for human
 2 immunodeficiency virus (HIV). However, the court may order
 3 additional testing for human immunodeficiency virus (HIV) as may
 4 be medically appropriate. The court shall take actions to ensure the
 5 confidentiality of evidence introduced at the hearing."

6 Page 4, line 15, delete "The" and insert "At the request of an
 7 alleged victim of the offense, the parent, guardian, or custodian of
 8 an alleged victim who is less than eighteen (18) years of age, or the
 9 parent, guardian, or custodian of an alleged victim who is an
 10 endangered adult (as defined in IC 12-10-3-2), the".

11 Page 4, line 15, delete "may" and insert "shall".

12 Page 4, line 26, delete "involving the" and insert ", the parent,
 13 guardian, or custodian of an alleged victim who is less than
 14 eighteen (18) years of age, and the parent, guardian, or custodian
 15 of an alleged victim who is an endangered adult (as defined in
 16 IC 12-10-3-2), are entitled to receive notice of the hearing and are".

17 Page 4, delete line 27.

18 Page 4, line 28, delete "is".

19 Page 4, line 28, after "hearing." insert "The defendant and the
 20 defendant's counsel are entitled to receive notice of the hearing and
 21 are entitled to attend the hearing."

22 Page 4, line 33, after "diseases." insert "If the defendant is charged
 23 with committing battery by body waste (IC 35-42-2-6), the court
 24 may limit testing under this subsection to a test only for human
 25 immunodeficiency virus (HIV). However, the court may order
 26 additional testing for human immunodeficiency virus (HIV) as may
 27 be medically appropriate. The court shall take actions to ensure the
 28 confidentiality of evidence introduced at the hearing."

29 Page 5, line 10, delete "." and insert "or the penal facility, juvenile
 30 detention facility, or secure private facility where the defendant is
 31 housed."

32 Page 5, line 11, after "victim" insert "or the parent, guardian, or
 33 custodian of an alleged victim who is less than eighteen (18) years
 34 of age, or the parent, guardian, or custodian of an alleged victim
 35 who is an endangered adult (as defined in IC 12-10-3-2),".

36 Page 5, between lines 13 and 14, begin a new paragraph and insert:

37 "(g) As soon as practicable after a screening test ordered under
 38 this section has been conducted, the alleged victim or the parent,
 39 guardian, or custodian of an alleged victim who is less than
 40 eighteen (18) years of age, or the parent, guardian, or custodian of
 41 an alleged victim who is an endangered adult (as defined in
 42 IC 12-10-3-2), and the victim's counsel shall be notified of the
 43 results of the test."

44 Page 5, line 14, delete "(g)" and insert "(h)".

45 Page 5, between lines 20 and 21, begin a new paragraph and insert:

46 "(i) The court shall order a petition filed and any order entered

- 1 **under this section sealed."**
- 2 Page 5, line 21, delete "(h)" and insert "(j)".
- 3 Page 5, between lines 26 and 27, begin a new paragraph and insert:
- 4 "SECTION 5. IC 35-41-1-19.3, AS ADDED BY P.L.125-2007,
- 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2009]: Sec. 19.3. "Offense relating to a criminal sexual act"
- 7 means the following:
- 8 (1) Rape (IC 35-42-4-1).
- 9 (2) Criminal deviate conduct (IC 35-42-4-2).
- 10 (3) Child molesting (IC 35-42-4-3).
- 11 (4) Child seduction (IC 35-42-4-7).
- 12 (5) Prostitution (IC 35-45-4-2).
- 13 (6) Patronizing a prostitute (IC 35-45-4-3).
- 14 (7) Incest (IC 35-46-1-3).
- 15 (8) Sexual misconduct with a minor under IC 35-42-4-9(a).
- 16 **(9) Sexual misconduct by a service provider (IC 35-44-1-5)."**
- 17 Page 8, line 2, after "and" insert "**IC 35-41-1-19.3 and**".
- 18 Page 8, line 2, after "IC 35-44-3-2," insert "**both**".
- 19 Renumber all SECTIONS consecutively.
- (Reference is to ESB 34 as printed April 10, 2009.)

Representative Dvorak